

may make a motion to the judge to have such order vacated upon a showing that the building or facility complies with the order.

(b) Notice of motions and copies of all pleadings shall be served on all parties and participants to the original proceeding. Responses to the motion to vacate shall be filed within ten (10) days after receipt of the motion unless the judge for good cause shown grants additional time to respond.

(c) Oral arguments on the motion may be ordered by the judge. The judge shall fix the terms of the argument so that they are consistent with the objective of securing a prompt, just, and inexpensive determination of the motion.

(d) Within ten (10) days after receipt of all answers to the motion, the judge shall issue his/her decision in accordance with § 1150.102 (b) and (c).

§ 1150.113 Amicable resolution.

(a) Amicable resolution is encouraged at any stage of proceedings where such resolution is consistent with the provisions and objectives of the Architectural Barriers Act and section 502 of the Rehabilitation Act.

(b) Agreements to amicably resolve pending proceedings shall be submitted by the parties and shall be accompanied by an appropriate proposed order.

(c) The Executive Director is authorized to resolve any proceeding on behalf of the A&TBCB unless otherwise specifically directed by the A&TBCB and afterwards may file appropriate stipulations or notice that the proceeding is discontinued.

§ 1150.114 Effect of partial invalidity.

If any section, subsection, paragraph, sentence, clause or phrase of these regulations is declared invalid for any reason, the remaining portions of these regulations that are severable from the invalid part shall remain in full force and effect. If a part of these regulations is invalid in one or more of its applications, the part shall remain in effect in all valid applications that are severable from the invalid applications.

PART 1151—GENERAL STATEMENT OF POLICY

Sec.

1151.1 Federal parking space policies.

1151.2 Amicus curiae policies.

1151.3 Public transportation accessibility policy.

1151.4 Federal procurement policies.

1151.5 Voting accessibility policy.

AUTHORITY: Pub. L. 93-112, as amended by Pub. L. 95-602 (29 U.S.C. 792).

§ 1151.1 Federal parking space policies.

Those standards for design, construction, and alteration issued under the Architectural Barriers Act of 1968, as amended, should be revised to require in all federally owned, occupied, or leased buildings and facilities that—

(a) Accessible parking spaces be located closest to an accessible entrance, and

(b) At least 2 percent of any visitor parking (a minimum of one space in any such visitor parking lot) be provided for handicapped visitors.

[44 FR 18022, Mar. 26, 1979]

§ 1151.2 Amicus curiae policies.

(a) *Applicability.* This section sets forth policies and procedures for the A&TBCB to participate as amicus curiae in litigation.

(b) *Definition.* As used in this section, the term amicus curiae means to intervene, appear and participate, or to appear as amicus curiae, in any court of the United States or in any court of a State in civil actions.

(c) The Executive Committee of the ATBCB has the duty and responsibility to review requests to the Board to enter litigation as *amicus curiae*. In carrying out these responsibilities, the Executive Committee is delegated the authority to disapprove such requests and make recommendations to the ATBCB to approve such requests. ATBCB approval shall be required prior to any *amicus* filing. The Executive Committee may request the Chairperson of the ATBCB to call a special meeting of the ATBCB to expedite

§ 1151.3

ATBCB action on the Executive Committee's recommendations.

[45 FR 44926, July 2, 1980, as amended at 48 FR 52911, Nov. 23, 1983; 48 FR 54223, Dec. 1, 1983]

§ 1151.3 Public transportation accessibility policy.

Just as disabled persons are entitled to equal access to public buildings, they are entitled to equal mobility; this means that they have the right to public transportation that is comparable to that available to the general public in terms of geographic range and hours of operation, trip decision time, fares, and the lack of restrictions on trip purpose and eligibility.

[45 FR 43718, June 30, 1980]

§ 1151.4 Federal procurement policies.

(a) Except as otherwise provided in this § 1151.4, for purposes of the Federal Property and Administrative Services Act and implementing regulations and circulars the Chairperson shall act as the "Head of the Agency" or "Agency Head" for administrative determinations.

(b) Except as otherwise provided in this § 1151.4, for purposes of the Federal Property and Administrative Services Act and implementing regulations and circulars, the Executive Director is delegated authority to act as "Head of the Procuring Activity" and to designate appropriate subordinate officials. The Executive Director may—

(1) Enter all contracts on behalf of the ATBCB in accordance with the provisions of this § 1151.4 or may delegate that responsibility,

(2) To the extent authorized by law, direct suspension or termination of contracts under his or her procuring authority, and of contracts under the delegated authority of designated subordinate officials, and

(3) Process unsolicited proposals.

(c) The ATBCB will approve the specific objective of each procurement—

(1) In excess of \$10,000, or

(2) Which has a major policy implication before any such procurement is awarded and reserves the right, as warranted, to impose limitations applicable to particular procurements.

(d) The ATBCB will enter into a sole source procurement only after approval

36 CFR Ch. XI (7–1–97 Edition)

to do so has been given by a majority vote of the members of the Planning and Budget Committee of the ATBCB and the Chairperson.

(e) To the extent authorized by law, the ATBCB may:

(1) Ratify unauthorized procurements, and

(2) Direct suspension or termination of contracts under its procuring authority.

(f) Paragraphs (c)(1) and (d) of this section do not apply to basic Administrative procurements, regardless of amount of said procurements, except as otherwise provided in paragraph (f)(2), of this section. The term basic Administrative procurement shall mean procurements for:

(1) Purchase or rental of equipment, including data processing equipment, and related services.

(2) Printing. (However, each printing procurement in excess of \$10,000 shall be approved in advance by the ATBCB.)

(3) Stenographic services.

(4) Office supplies.

(5) Furniture and furnishings.

(6) Services of administrative law judges and expert witnesses in connection with compliance proceedings.

(7) Administrative support services of another Federal agency.

(8) Consultants and related expenses to perform staff functions when appropriate staff has not been hired.

(9) Space acquisition.

(10) Accommodating the known physical handicaps of employees.

(11) Appropriate training of employees.

(12) Meeting other administrative needs of the office.

(g) The Executive Director will report semi-annually in writing to the ATBCB on each procurement, regardless of amount, entered into to date in the fiscal year, listing each procurement separately with its amount and date. In addition, the report shall list all procurements then in progress that have not been awarded and any procurements being considered for any future time.

[46 FR 37045, July 17, 1981, as amended at 48 FR 52911, Nov. 23, 1983]

§ 1151.5 Voting accessibility policy.

Disabled people are entitled to effective access to voter registration and polling places. The Board encourages States to provide registration and polling facilities that are accessible to physically handicapped persons, including, where appropriate, providing effective supplemental aids and devices for persons with sensory and mobility impairments.

[48 FR 15676, Apr. 12, 1983]

PART 1152—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Subpart A—General Provisions

Sec.

- 1152.735-101 Purpose.
- 1152.735-102 Definitions.
- 1152.735-103 Designated Agency Ethics Official.
- 1152.735-104 Disciplinary and other remedial action.

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

- 1152.735-201 Proscribed actions.
- 1152.735-202 Gifts, entertainment, and favors.
- 1152.735-203 Outside employment and other activity.
- 1152.735-204 Financial interests.
- 1152.735-205 Use of Government property.
- 1152.735-206 Misuse of information.
- 1152.735-207 Indebtedness.
- 1152.735-208 Gambling, betting, and lotteries.
- 1152.735-209 General conduct prejudicial to the Government.
- 1152.735-210 Miscellaneous statutory provisions.

Subpart C—Ethical and Other Conduct and Responsibilities of Special Government Employees

- 1152.735-301 Use of Government employment.
- 1152.735-302 Use of inside information.
- 1152.735-303 Coercion.
- 1152.735-304 Gifts, entertainment, and favors.
- 1152.735-305 Miscellaneous statutory provisions.

Subpart D—Statements of Employment and Financial Interests

- 1152.735-401 Reviewing statements and reporting conflicts of interest.

- 1152.735-402 Employees required to submit statements.
- 1152.735-403 Employee's complaint on filing requirement.
- 1152.735-404 Employees not required to submit statements.
- 1152.735-405 Content of statements.
- 1152.735-406 Time and place for submission of employees' statement.
- 1152.735-407 Supplementary statement.
- 1152.735-408 Interests of employees' relatives.
- 1152.735-409 Information not known by employees.
- 1152.735-410 Information not required.
- 1152.735-411 Confidentiality of employees' statements.
- 1152.735-412 Effect of employees' statements on other requirements.
- 1152.735-413 Specific provisions for Public members and special Government employees.

AUTHORITY: E.O. 12674; 5 CFR part 735.

SOURCE: 44 FR 52200, Sept. 7, 1979, unless otherwise noted.

Subpart A—General Provisions

§ 1152.735-101 Purpose.

The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by Government employees and special Government employees is essential to assure the proper performance of the Government business and the maintenance of confidence by citizens in their Government. The avoidance of misconduct and conflicts of interest on the part of Government employees and special Government employees through informed judgment is indispensable to the maintenance of these standards. To accord with these concepts, this part sets forth the Board's regulations prescribing standards of conduct and responsibilities, and governing statements reporting employment and financial interests for employees and special Government employees.

§ 1152.735-102 Definitions.

(a) *Board* means the Architectural and Transportation Barriers Compliance Board.

(b) *Chair* means the Chair of the Architectural and Transportation Barriers Compliance Board.

(c) *Employee* means an officer or employee of the Board but does not include a special Government employee.